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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,543	07/21/2003	Robert G. Dickie	6411-05/DEH	3909
24035	7590	12/28/2004		
KEYSER MASON BALL, LLP FOUR ROBERT SPECK PARKWAY SUITE 1600 MISSISSAUGA,, ON L4Z 1S1 CANADA				EXAMINER NEGRON, ISMAEL
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,543	DICKIE, ROBERT G.	
	Examiner	Art Unit	
	Ismael Negron	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-16 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 December 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/3/2004.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under Ex Parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.
2. Applicant's amendment filed on December 3, 2004 has been entered. Claim 1 has been amended. No claim has been added or been cancelled. Claims 1-16 are still pending in this application, with claims 1 and 12 being independent.
3. The drawings were received on December 3, 2004. These drawings are not acceptable.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" has been used to designate both "*adjustment actuator*" (page 8, line 12) and "*adjustment wheel*" (page 11, line 2). The applicant is once again advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a

modification of such part. See MPEP §608.01(g). In this case, an “adjustment wheel” is merely one of the many different operative structures covered by the original recitation “adjustment actuator”, and as such presents a modification of the previously referenced actuator.

In addition, note the following:

- reference character “116”, used to designate “*discrete bottom chambers*” (page 11, line 29), and “stationary discrete bottom chambers” (page 12, line 7); and
- reference character “116”, used to designate “*discrete bottom chambers*” (page 11, line 29), and “stationary discrete bottom chambers” (page 12, line 7).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “24” has been used to designate different parts in different embodiments. See Figure 1 where a substantially square housing is shown, and Figure 7 showing a generally tear drop-shaped housing. In addition, note the following:

- reference character “40” used in Figure 4 to refer to the upper limit of the illumination area produced by incandescent bulb 32, in Figure 9 to refer to the upper limit of the illumination area produced by LED lamp 92, and in Figure 11 to refer to the upper limit of the illumination area produced by source of illumination 94; and
- reference character “42” used in Figure 4 to refer to the upper limit of the illumination area produced by incandescent bulb 32, in

Figure 9 to refer to the upper limit of the illumination area produced by LED lamp 92, and in Figure 11 to refer to the upper limit of the illumination area produced by source of illumination 94.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

Allowable Subject Matter

7. Claims 1-16 are allowed subject to the correction of the issues raised in Section 7 of the instant Office Action..

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8. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a night light having a housing, a light source, electrical blades for placement into an electrical socket, and an adjustment actuator mounted within said housing with a portion extending forwardly beyond a front face of the housing. Actuation of the adjustment actuator provides rotation of the source of illumination through an arc of 30° to 150°.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the rotatable light source structure in combination with the claimed night light structure.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Relevant Prior Art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tamol (U.S. Pat. 1,952,783), **Riddell** (U.S. Pat. 2,539,974), **Curran** (U.S. Pat. 3,443,083), **Arts** (U. S. Pat. 3,801,814), **Ham** (U. S. Des. Pat. 347,288), **Burns** (U.S.

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Des. Pat. 425,221), **Petterson** (U.S. Des. Pat. 432,688), **Lam** (U.S. Pat. 6,140,934), **Tin Shun Victor** (U.S. Pat. 6,200,001), **Victor** (U.S. Pat. 6,276,813) and **Leen** (U.S. Pat. 6,561,677 and 6,709,126) disclose night lights having rotatable means to redirect the illumination output. However, they fail to disclose or suggest the specific structure claimed by the instant application.

Ex parte Quayle

11. This application is in condition for allowance except for the formal matters detailed in Sections 3 and 4 of the instant Office Action.

12. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



JOHN ANTHONY WARD
PRIMARY EXAMINER


Inr

December 22, 2003